

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

I hereby certify that the below items are being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4) addressed to MAIL STOP PETITION, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

April 6, 2007
Date

Maureen Capozzi
Maureen Capozzi
IP Paralegal

Applicant: Panjak Chhabra, et al.

Serial No.: 10/080,931

Art Unit: 2193

Filed: 02/21/2002

Examiner: Trenton J. Roche

Attorney Docket No.: 3645 US

Title: A ROBUST REMOTE FLASH ROM UPGRADE SYSTEM AND METHOD

MAIL STOP PETITION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RENEWED PETITION UNDER 37 CFR 1.181
PETITION TO REVIVE UNINTENTIONALLY ABANDONED APPLICATION

Sir:

1. Applicants renew petition to revive the above-identified application under 37 CFR 1.181. On January 23, 2007, a request to withdraw the holding of abandonment was filed. The request was dismissed on March 12, 2007, because the response was not proper because it failed to place the application in condition for allowance.

Therefore, Applicants submit this renewed petition to revive the above-identified application under 37 CFR 1.181.

2. Submitted herewith is:

- [X] Copy of the petition dismissal mailed March 12, 2007 (3 pgs);
- [X] Copy of Petition to Withdraw Holding of Abandonment filed on January 23, 2007 (1 pg);
- [X] Request for Continued Examination (RCE Transmittal) (1 pg);
- [X] Copy of Amendment filed December 7, 2005, in response to Office Action dated August 11, 2005 (16 pgs);
- [X] Copy of Notice of Abandonment (2 pgs);
- [X] Copy of Interview Summary (4 pgs);
- [X] Return receipt postcard showing receipt of Amendment filed 12/7/2005 by USPTO (1 pg);
- [X] Terminal Disclaimer (1 pg).

3. With respect to fees:

- [X] Please charge the RCE fee of \$790 to Deposit Account No. 503650;
- [X] Please charge the Petition fee of \$1500 to Deposit Account No. 503650;
- [X] Please charge the Terminal Disclaimer fee of \$130 to Deposit Account No. 503650;

Amendment Transmittal Ltr Pg 2
Application No.: 10/206,100
Filing Date: 07/26/2002

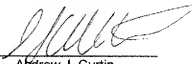
☒ Please charge any deficiencies and credit any overpayments to Deposit Account No. 503650.

Respectfully submitted,

Date:

April 6, 2007

By:


Andrew J. Curtin
Registration No. 48,485
3Com Corporation
350 Campus Drive
Marlborough, MA 01752
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UNITED STATES PATENT AND TRADEMARK OFFICE

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MAR 12 2007
OFFICE OF PETITIONS

In re Application of :
Chhabra, et al. :
Application No. 10/080,931 : ON PETITION
Filed: February 21, 2002 :
Attorney Docket No. 3645.US.P :

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181, filed January 23, 2007.

The petition under 37 CFR 1.181 is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled, "Renewed Petition under 37 CFR 1.181."

The above-identified application became abandoned for failure to timely file a **proper** response to the final Office action mailed August 11, 2005, which set a shortened statutory period for reply of three (3) months. No response having been received, the application became abandoned on November 12, 2005. A Notice of Abandonment was mailed on March 23, 2006.

AJC

Due 2mo 5/12/07
6mo final 9/12/07
By

On petition, applicants have successfully demonstrated that they filed a response on December 12, 2005. However, the response was not proper because it failed to place the application in condition for allowance.

37 CFR 1.135(b), the regulation relevant to the abandonment of this application, provides that (A) the admission of, or refusal to admit, any amendment after final rejection, or any related proceedings, will not operate to save the application from abandonment; and (B) the admission of, or refusal to admit, any amendment not responsive to the last action, or any related proceedings, will not operate to save the application from abandonment. It is the applicant's responsibility to take the necessary action in an application under a final Office action to provide a complete reply under 37 CFR 1.113. An applicant should not permit the maximum extendable statutory period for reply to a final Office action to expire while awaiting a notice of allowance or other action, such as an Advisory Action.¹

Applicant should have ensured that the amendment had been entered or applicant should have filed either a Request for Continued Examination (RCE), continuing application, or Notice of Appeal. The last day an RCE, continuing application, or Notice of Appeal could have been filed, with the maximum allowed three month extension of time, would have been February 11, 2006. An applicant should not wait to take action until receipt of an advisory action which might not even be mailed until more than six months after the mailing of the final Office action.

While the showing of record is not sufficient to withdraw the holding of abandonment, applicants are not precluded from obtaining relief by filing a request for reconsideration pursuant to 37 CFR 1.137(b) on the basis of unintentional delay. A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the reply required to the outstanding Office action or notice, unless previously filed; (2) the petition fee set forth in 37 CFR 1.17(m); currently \$750, (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(d).

Further correspondence with respect to this matter should be addressed as follows:

¹ MPEP 711.03(c) (III) (C) (2).

By mail: Mail Stop Petitions
 Commissioner for Patents
 P.O. Box 1450
 Alexandria VA 22313-1450

By FAX: (571)273-8300
 Attn: Office of Petitions

Telephone inquiries concerning this decision should be directed to the undersigned at (571)272-3207.



Cliff Congo
Petitions Attorney
Office of Petitions

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

I hereby certify that the below items are being transmitted to the United States Patent and Trademark Office electronically via EFS.

Date

1/23/07

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Title: A ROBUST REMOTE FLASH ROM UPGRADE SYSTEM AND METHOD

MAIL STOP PETITION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION TO WITHDRAW A HOLDING OF ABANDONMENT

Sir:

In response to the Notice of Abandonment dated March 3, 2006, due to failure to file a timely response to the Office letter mailed on August 11, 2005, applicant believes this holding of abandonment to be in error because a response was filed and received by the USPTO. Applicant requests withdrawal of holding of abandonment. Enclosed herewith is:

- [X] Copy of Notice of Abandonment (2 pgs);
- [X] Copy of Interview Summary (4 pgs);
- [X] Copy of Amendment filed December 7, 2005, in response to Office Action dated August 11, 2005 (16 pgs);
- [X] Return receipt postcard showing receipt of Amendment filed 12/7/2005 by USPTO (1 pg);
- [X] Terminal Disclaimer (1 pg).

With respect to fees:

- [X] Please charge the Terminal Disclaimer fee of \$130 to Deposit Account No. 50-3650.
- [X] Please charge any deficiencies or overpayments to Deposit Account No. 50-3650.

Respectfully submitted,

Date:

1/23/2007

By:

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